

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
MAY 26, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Amendment of Subdivision Application #544-A(9), Jamie Vicencio, 19 Morley Lane.

Request to modify approved plan by: 1) creating separate driveway; 2) adding a drain pipe to a swale; and 3) install boulder retaining wall along the cemetery.

Mr. Ginsberg explained that this property was the subject of several lawsuits. The building plans were approved and now the property owners wish to amend the approved plan. Commission members reviewed the letter dated May 20, 2015 that lists the changes involved in: modifying the driveway and the drainage near the driveway and extending a pipe to collect that drainage; modifying a stone wall adjacent to the cemetery on the south and west of the house that is under construction; and modifying the retaining wall that is located to the west of the house under construction.

The original plan had called for a joint driveway from Morley Lane serving the existing house at #15 Morley Lane and the new house being constructed at #19 Morley Lane. The applicant now proposes to create a separate driveway to and from Morley Lane to avoid the shared driveway. The project engineer will need to double check to make sure that the driveway pitch does not exceed 2% for the first 30 feet and a maximum grade of 10% thereafter. Manuel DaSilva represented Mr. Vicencio and said that he will have the surveyor verify that the grades will comply with the requirements. He said that he will use a hoe ram to remove some of the existing rock rather than blast the rock. Before he uses a hoe ram, he will try to peel it away with a large excavator. He said that Mr. Vicencio did approach the neighboring property owners on Morley Lane and all of them support the proposed modifications. Mr. Vicencio confirmed that that both of the neighbors on either side of the driveway are fine with the proposed revisions.

Mr. Ginsberg said that if the driveway and drainage near the driveway are amended, then the next change being requested concerns the retaining wall to be constructed off set from the cemetery. He said that there is already a short loose stonewall surrounding the cemetery. That wall is not a retaining wall. The approved plans call for a new retaining wall to be located approximately five feet away from the existing stonewall. The applicant proposes to add boulders and back fill on the east side and northeast sides of the existing stonewall, which surrounds the cemetery. Mr. DaSilva said that the new stacked large boulders on the outside of the existing stonewall would act as a retaining wall. Ms. Cameron said that part of the boulder retaining wall has already been installed on the north side of the

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cemetery in the shortest area between the house and the cemetery. She said that she did not think it was appropriate to add boulders and soil along the east (long side of the cemetery). Mr. DaSilva said that they are just trying to make more flat useable area on the property. Ms. Cameron said it seems okay to her to leave the short section on the north side of the cemetery as it is, but not to approve the additional filling and regrading on the long (east) side of the cemetery. The following motion was made: That the Planning & Zoning Commission approve the creation of a separate driveway; the modification of the driveway layout and drainage in that vicinity; and approve the installation of the boulder retaining wall on the north side of the cemetery but not on the east side of the cemetery. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved.

Chairman Cameron then read the following agenda item:

Amendment of Business Site Plan #132-B, Hall Investments, 9 Old King's Highway South.
Request to install generator.

Mr. Ginsberg explained that the proposed installation is a very large generator in a landscaped island within the parking lot. In order to install the generator, they will need to remove the landscaping including a large tree.

Matt Meadow of White Electric said that the owner knows that they will need to be removing at least one and possibly two large trees. They plan to install some screening around the generator on the landscaped island once the generator is installed. In response to a question, a representative from Huntington Generators said the equipment will be tan and brown in color and the new arborvitae trees would be 12 feet tall when planted. They will need to leave a 3-5 foot wide access area around the generator.

Ms. Cameron said that she visited the site and noted that the highway noise in the area is significant. After further discussion, the following motion was made: That the Planning & Zoning Commission approve the request and modification of the Site Plan to allow the installation of the emergency generator subject to the planting of the screening trees as discussed. The applicant was encouraged to try to save one or both of the existing trees. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved.

Chairman Cameron read the following agenda item:

Amendment of Business Site Plan #104-A(2)/Special Permit, Bertucci's, 54 Boston Post Road.
Request to create a 169 square foot bar area within the restaurant.

Gary Sadler, Project Architect, explained that several years ago Bertucci's eliminated the bar area and substituted additional seating. That approval needed Planning & Zoning Commission amendment of the Special Permit. He reviewed his April 29, 2015 letter in which he explains that they now wish to create a new bar area. Since the original bar area was eliminated, the parking requirements for restaurants have been modified within the Zoning Regulations. He said that there are 152 on-site parking spaces and the Regulations only require 84 parking spaces at this time. Commission members asked if there would be any change to the outdoor seating. Mr. Sadler said that the outdoor seating would not be changed at this time; although there is other interior renovation work that has been authorized because it did not affect seating capacity. In response to a question, Mr. Sadler confirmed

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that there would be no live entertainment. Following further discussion, the following motion was made: That the Planning & Zoning Commission approve the requested modification to the Business Site Plan/Special Permit for Bertucci's Restaurant in accordance with the submitted materials. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved.

Chairman Cameron read the following agenda item:

Deliberations and possible decisions on the following:

Coastal Site Plan Review #307, Flood Damage Prevention Application #348, Land Filling & Regrading Application #350, Jared & Schuyler Heuer, 37 Contentment Island Road Proposal to construct an addition to the existing single-family residence, modify the parking court and driveway, and to perform related site development activities within regulated areas.

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved.

Commission members reviewed the draft resolution. Ms. Cameron noted that she was not at the public hearing, but had watched the DVD. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The adopted resolution reads as follows:

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Application Number: Coastal Site Plan Review #307
Flood Damage Prevention Application #348
Land Filling & Regrading Application #350

Street Addresses: 37 Contentment Island Road
Map #68 as Lot #13

Name and Address of: Jared & Schuyler Heuer
Property Owners: 37 Contentment Island Road
Darien, CT 06820

Name and Address of Applicant &: Scott Fisher
Applicant's Representative: Mitchell Wilk Architecture
2 Purdy Avenue
Rye, NY 10580

Activity Being Applied For: Proposal to construct an addition to the existing single-family residence, modify the parking court and driveway, and to perform related site development activities within regulated areas.

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Property Location: The subject property is located on the east side of Contentment Island Road approximately 1,250 feet south of its intersection with Shennamere Road.

Zone: R-1

Date of Public Hearing: May 5, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 24 & May 1, 2015

Newspaper: Darien News

Date of Action: May 26, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 5, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant proposes to construct an addition to the existing single-family residence, modify the parking court and driveway, and to perform related site development activities within regulated areas. The property is served by an on-site septic system, and the number of bedrooms within the residence will not change as part of this application.
2. At the public hearing, the applicant noted that there will be no blasting or hoe-ramming done as part of this application.
2. Only a small portion of the proposed work is in the flood zone. This work in the flood zone is the driveway modifications and its associated regrading. No new structures are now, or will be within the flood zone as a result of this application.

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3. The site is within the Coastal Boundary established within 1000 feet of Mean High Water of Long Island Sound and its tidal influenced waters. The proposed work will not have any adverse impacts on coastal resources.
4. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
6. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties and, therefore, this proposal is consistent with the need to minimize flood damage.
7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
8. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
9. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #307, Flood Damage Prevention Application #348, and Land Filling & Regrading Application #350 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the following plans entitled:
 - Heuer Residence, 37 Contentment Island Road, By Mitchell Wilk Architecture, dated 3/16/15, Sheet Numbers A200-A205 and A601-A602.
 - Site Development Plan 1 of 2, and Section and Details 2 of 2, prepared by D'Andrea Surveying and Engineering dated 3-16-15.
- B. Because of the minor nature of the land filling and regrading portion of this project, a performance bond for the filling and regrading is hereby waived.
- C. Due to its specific location within the watershed and the nature of the proposed work, the Commission hereby waives the requirement for stormwater management.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The

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Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- G. This permit shall be subject to the provisions of Sections 815, 829f, and 1009 of the Darien Zoning Regulations, including but not limited to, submission of certification and an as-built survey as prepared by a licensed land surveyor. Implementation and completion of the approved plans for site work, and regrading shall be within one year of this action (by May 26, 2016). This may be extended as per Sections 815, 829f, and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #270-B, Flood Damage Prevention Application #306-B, Land Filling & Regrading Application #270-B, Paul & Amy Darrah, 11 Peabody Lane. Proposal to retain a seawall; remove existing ramp and pier and float; construct timber walkway; construct elevated walkway, pier, gangway and float; and to perform related site development activities within regulated areas.

After brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 26, 2015**

Application Number: Coastal Site Plan Review #270-B
Flood Damage Prevention Application #306-B
Land Filling & Regrading Application #270-B

Street Address: 11 Peabody Lane

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Assessor's Map #62 Lot #60

Name and Address of:
Property Owners: Paul & Amy Darrah
11 Peabody Lane
Darien, CT 06820

Name and Address of Applicant &:
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road, Suite 201
Darien, CT 06820

Activity Being Applied For: Proposal to retain a seawall; remove existing ramp and pier and float; construct timber walkway; construct elevated walkway, pier, gangway and float; and to perform related site development activities within regulated areas.

Property Location: The subject property is on the east side of Peabody Lane approximately 1,000 feet northeast of its intersection with Hawthorne Road (Salem Straits).

Zone: R-1

Date of Public Hearing: May 5, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 24 & May 1, 2015

Newspaper: Darien News

Date of Action: May 26, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 5, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The application is to retain a seawall; remove existing ramp and pier and float; construct timber walkway; construct elevated walkway, pier, gangway and float; and to perform related site development activities within regulated areas. The existing dock (pier, gangway, pilings and float) will be removed and replaced with a pier, gangway, pilings and float forming a new dock in a slightly different location closer to the existing boathouse. The subject property is 1.55+/- acres, and is directly adjacent to Scott's Cove. The proposed work will be done both from the water and from the land.
2. The project was approved by the State of CT DEEP on January 9, 2015 (Permit #20142922-KB). The project was also approved by the Army Corps of Engineers in a letter dated April 30, 2014. Those approvals are hereby incorporated by reference.
3. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
4. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
8. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #270-B, Flood Damage Prevention Application #306-B, and Land Filling & Regrading Application #270-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as submitted to the Commission:
 - Proposed Walkway Plan, Residential Dock Facility, Paul F. & Amy J. Darrah 11 Peabody Lane, by Roberge Associates Coastal Engineers, LLC, dated 5-5-2015, Drawing 1 of 2.
 - Proposed Dock Plan, Residential Dock Facility, Paul F. & Amy J. Darrah 11 Peabody Lane, by Roberge Associates Coastal Engineers, LLC, dated 5-5-2015, Drawing 2 of 2.

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- Darrah Residence Waterfront Improvement Project Scott Cove-LIS, Paul Darrah Jr., 11 Peabody Lane, by Roberge Associates Coastal Engineers, 8 ½" x 11", 2/5/2014, 12 drawings.
- B. During the site work, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan referred to in Item A above, and any additional measures as may be necessary due to site conditions, including tree protection measures, as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Due to the minor nature of this project, the Commission hereby waives the requirement for a performance bond.
- D. Once the project is complete, and prior to May 26, 2016, the applicant shall certify in writing and/or photographs, and with an 'as-built' survey map that all work has been properly completed in accordance with the approved plans.
- E. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (May 26, 2015).

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to the start of work, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Deliberations only regarding:

Land Filling & Regrading Application #346, Jeffrey & Tracey Grills, 62 St. Nicholas Road.
Proposal for filling and regrading associated with the construction of a replacement single-family residence, pool and stormwater management and to perform related site development activities.

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Ms. Cameron noted that she had watched the DVD of the meeting. Commission members discussed the application and noted that this is the project that has the garage/barn on the property and the wetlands in the rear. Commission members agreed that the revised plan is much better than the original proposal. Commission members instructed staff to draft a resolution for action at a future meeting.

Chairman Cameron read the following agenda item:

Special Permit Application #288/Site Plan, Fjord Fish Market, 1015 Boston Post Road.
Proposing to establish a retail fish market with associated convenience food service use in a portion of the now-vacant 927+/- square foot first floor space at 1015 Boston Post Road.

Commission members noted that odor control and venting would be extremely important. It is also important to stipulate that maintenance of the odor control and venting be done. Commission members confirmed that there would be no tables, no chairs and no counter to eat at. Parking on the site is extremely limited and parking in the area is already used to a great degree. No dining facilities will be permitted. Commission members also agreed that no outdoor storage, and no outdoor trash accumulation from this business would be allowed. It was also noted that the side door adjacent to Day Street will need to be kept closed. They instructed staff to draft a resolution to approve the project. The resolution will be acted on at a future meeting.

Chairman Cameron read the following agenda item:

Approval of Minutes

April 21, 2015 Public Hearing/General Meeting

Commission members discussed the draft minutes. After a brief discussion, the following motion was made: That the Planning & Zoning Commission approve the minutes subject to revisions and clarifications as discussed. The motion was made by Mr. Sini, seconded by Mr. DiDonna. All voted in favor except Mr. Voigt, who abstained since he was not at the meeting. The motion passed by a vote of 3-0-1.

At about 8:35 p.m., Chairman Cameron the read the following two public hearing agenda items:

PUBLIC HEARING

Coastal Site Plan Review #302-A, Land Filling & Regrading Application #352, David & Rhonda Sherwood, 245 Long Neck Point Road. Proposing to construct a pool, spa, patio, and pool cabana; install associated stormwater management; and to perform related site development activities within a regulated area. The subject property is located on the east side of Long Neck Point Road approximately 2,600 feet south of its southernmost intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #13-2 in the R-1 Zone.

Continuation of the following matter:

By Order dated November 19, 2014 in the matter of *Christopher & Margaret Stefanoni v. The Darien Planning and Zoning Commission* – Docket No.: HHB-CV-11-5015368S (the “Appeal”), and the related case of *Gregory v. Darien Planning and Zoning Commission* Docket No.: CV-13-6023798S Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning

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Commission for an amendment to the Commission's October 29, 2013 resolution to specify an approved number of units or a range of numbers of units, based on the record. The legal notice for the original application read as follows:

Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor's Map #27 as Lot #168-1, within the R-1/3 zone.
PREVIOUS HEARINGS HELD ON 4/7/2015 AND 4/21/2015.

Ms. Cameron said that due to lack of sufficient quorum, these items would be opened and immediately continued until the meeting of June 2, 2015. That meeting will start at 8 P.M. in Room 206 of Darien Town Hall.

Chairman Cameron then read the following agenda item:

Continuation of Public Hearing regarding Proposed Amendment to Darien Zoning Regulations (COZR #1-2015), Special Permit Application #287/Site Plan review, Land Filling & Regrading #349, Knobel Hill, LLC, 40 Locust Hill Road. Proposing to demolish the existing structures on-site, apply the Active Senior Residential Overlay Zone to the subject property, and construct an "Active Senior Residential Development" under Section 430 of the Darien Zoning Regulations consisting of six total dwelling units; install associated stormwater management; and to perform related site development activities. The application also includes a proposed amendment to Subsection 436b of the Zoning Regulations regarding terraces and utility equipment. The subject property is located on the south side of Locust Hill Road, at the southwest corner formed by its intersection with Settler's Trail, and is shown on Assessor's Map #64 as Lot #49 in the R-1 Zone.
HEARING OPENED: 4/28/2015. DEADLINE TO CLOSE PUBLIC HEARING: 5/26/2015

Ms. Cameron noted that revised information was just being submitted today and she expected more to be submitted at the meeting. She said receiving the information at the hearing makes it difficult to close the public hearing. She added that she watched the DVD of the prior public hearing.

Attorney Robert Maslan represented the applicant and said that the applicant has reviewed some of the remaining issues with the experts. He said that they would not need to install chain link fence in addition to the silt fence, rather they would use hay bales as back up for the silt fence. He said that the trees to be removed and trees to be preserved are highlighted on the Site Utility Plan. Attorney Maslan said that they submitted a phasing plan and that they looked into the gap in the sidewalk between the development and Corbin Drive. He said that the applicant has no control over that property and would not be installing a sidewalk beyond the boundary lines of the site. Attorney Maslan said that the applicant has made arrangements to purchase a two-family house on Leroy Avenue. Each of the dwelling units is approximately 1,300 square feet and these will serve as the two affordable housing units that will be age and income restricted. Commission members said that detailed information will need to be submitted regarding the square footage of the affordable housing units because the new market rate units can be no more than two times the average size of the affordable units. Attorney Maslan said that the deed restriction will be placed on the affordable housing units prior to the request

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for the Certificate of Occupancy for the first new unit within the development on Locust Hill Road. Architect Robert Cardello said that the dwelling units that are proposed will be about 2,200 square feet with optional potential square footage on the second floor. He said that he would provide details about the square footages.

Doug DiVesta, Professional Engineer, said that he has been reviewing the details and comments made by the Town's consulting engineer Todd Ritchie. Based on those comments, he has enlarged the rain garden area and said that a 50-year design storm would not exceed the limits of the embankments. He said that they have tested the rock in the area and most of it seems friable which will allow it to be ripped out of place using large machines and therefore they will probably not need to do any blasting or hoe ramming. They may use a pneumatic drill to break the stone apart. He estimated that approximately 1,400 cubic yards of material will need to be cut or excavated from the site. This equates to approximately 90 truckloads of material over 60-90 day initial excavation. In response to questions, he said that they cannot determine what route the trucks leaving the site will take until they know where the material will be going.

Attorney Maslan said that the Fire Marshal wants to make sure that the emergency egress or access road from Locust Hill Road into the site will be hard surface material so that emergency vehicles can use it during any weather conditions. He said that they will probably use grass pavers so that it will look like a lawn area but it will support the weight of the large emergency equipment. He said that the applicant might also install asphalt in that area and then top it with stone so that it does not appear to be a typical black asphalt driveway. He said that there would be a gate near the street and a gate near the driveway so that the emergency access driveway is not used by anyone except during emergencies.

Ms. Cameron said that during the construction process there will be almost three acres of the site that will be disturbed at one time. She said that dust and erosion controls and temporary grass covers will be important to make sure that there are no adverse impacts on the neighboring property owners or the wetlands. She asked questions about the ability to have basements for each of the units. Mr. DiVesta said that the test borings are still being analyzed.

Wesley Stout, Landscape Architect, reviewed the colored plan of the trees to be removed. He said that approximately five trees will be planted for each one large tree to be removed. Ms. Cameron said that she wants the applicant to consider removing all of the Norway Maple trees because they are considered an invasive species. Mr. Stout said that he is fine with that and will discuss it with the applicant. Ms. Cameron questioned the likelihood that the 30-inch diameter Black Oak tree located near Building 3 would survive throughout the construction process. Mr. Stout that they will try to save the tree, if it is at all possible. He said that he will examine the tree to determine if it is worth making an extra effort to save it. Ms. Cameron suggested that more trees be added within the conservation area even if they are smaller native trees that will grow in that conservation area.

Attorney Maslan said that part of the application is to amend the Zoning Regulations regarding the terraces at grade so that they can be 25 feet instead of the originally adopted 40 foot from the property line and the transformer of the utility structures can be located within the setback area when necessary and if approved by the Commission. He said that the sidewalk along Settler's Trail would be installed from the intersection with Locust Hill Road up to the driveway into the site. He also mentioned that the Mandatory Referral under Section 8-24 of the General Statutes would be submitted to the

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Commission. That Referral concerns the extension of the sanitary sewer line. Once it is submitted to the Commission, a response must be produced by the Commission within a limited time period.

Mr. Ginsberg said that the Architectural Review Board has already approved the building design and they want to be consulted if there are any changes. He said that the Fire Marshal has strongly recommended that the houses be sprinklered and that the Health Department has already commented on the plans.

There were no comments from the public regarding the pending application.

Penny Glassmeyer thanked the Commission for their time and said that she is looking to install the silt fence and hay bales as soon as possible and to cut the trees on the site. Commission members noted that it would not be appropriate to start the development even before the Commission has had an opportunity to deliberate it as a group or taken any action regarding the application. Mr. Sini asked if, in general, a property owner would be able to cut trees on their property. Mr. Ginsberg responded that one or two trees can be removed by a property owner but not a whole site for a project that is pending with the Commission. Ms. Cameron said that the Commission will deliberate as soon as possible and hopefully vote on this matter during the month of June. There were no further comments. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission close the meeting. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 9:15 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

05.26.2015min